

THE CONSTITUTION OF SUN CITY CHRISTIAN CHURCH TOWNSVILLE INC

THE CHURCH:

1.1

The name of the church shall be: " Sun City Christian Church Townsville Inc." (hereinafter referred to as "the Church").

Affiliation:

1.2

The Church is a member church of the Assemblies of God in Australia.

The United Constitution, National By-Laws, State By-Laws, and District Charter of the Assemblies of God in Australia are endorsed and accepted together with all National, State, and District Conference decisions.

Withdrawal from the Assemblies of God:

1.3

The Church's affiliation with the Assemblies of God in Australia may be revoked by a resolution carried by not less than three-fourths (seventy-five percent) of the current Church Membership.

Dissolution:

1.4

The Church shall be dissolved if membership shall become less than three persons or the members may at a meeting called only for that purpose, resolve to dissolve the Church if such resolution is carried by a three-quarters majority.

- 1.5 If the Church should be dissolved and there be any property or assets after satisfaction of its liabilities, the same shall not be paid to or distributed among the members of the Church, but shall be paid forthwith, without demand to the State Executive Presbytery of the Assemblies of God in Australia, but if such Executive Presbytery is not in existence, or unwilling to receive such payment, then to such other organisation with similar objects as the members present at the meeting to dissolve the Church shall determine or in default thereof as determined by the State Supreme Court **PROVIDED ALWAYS THAT such payment or distribution shall only be made to such Executive Presbytery or other organization that is not carried on for the purposes of profit and gain to its individual members and where that entity is able, at the time of such payment or distribution, to satisfy the Church that it holds endorsement from the Australian Taxation Office as an income tax exempt charity (ITEC) or other such qualification required under Australian law that results in the entity being exempt from income tax.**

Incorporation of Assemblies of God:

1.6

The Christian religious organisation of the Assemblies of God in Australia (Queensland Conference) was duly incorporated and granted Letters Patent under the "Religious Educational and Charitable Institutions Act of 1861 and its Amendment Act of 1895" on 19th May 1955

PRINCIPAL OBJECTS:

2.1

To preach and teach and generally to further the cause of the Gospel of the Lord Jesus Christ and to advance the Christian Faith in Australia and other Nations and to work for the building up and extension and renewal of the Christian Church.

2.2

To meet for the worship of God, the Father, Son and Holy Spirit, the preaching and teaching of the Word of God and the administration of the Sacraments mentioned in 5 hereof.

2.3

To further and propagate the Christian Faith in Australia or elsewhere by the conduct of Evangelism or by the establishment of further churches or missionary works with similar objectives.

2.4

To develop assistant ministers and to train Christian leaders to function within the Church and throughout the world.

2.5

To render Spiritual oversight, care and assistance (whether material or otherwise) and such other help as may be deemed appropriate to meet the needs of Church members, those associated with the Church and as far as practicable, to all persons everywhere.

2.6

To make donations to assist, undertake the oversight of or in any way co-operate with other churches, organisations, societies or individuals who have similar objects.

2.7

To provide such educational or other programmes or institutions as will assist members to live whole and balanced lifestyles and to be a blessing to the society in which they live.

2.8

To be a co-operative fellowship of the Assemblies of God in Australia as defined in the United Constitution of the Assemblies of God in Australia (National Conference) from time to time.

3. SECONDARY OBJECTS

For the purpose of carrying out the Principal Objects in their spiritual and secular context, the Church shall have the further objects and powers as follows:

3.1

To collect and raise moneys for the purpose of purchasing or otherwise acquiring land and buildings.

3.2

To purchase, take on, lease, hire, exchange or acquire by gift or otherwise and to manage, sell, transfer, lease, hire, mortgage or otherwise dispose of, invest or deal with any real or personal property or any estate or interest therein.

3.3

To borrow or raise or secure the payment of money for the purposes of the Church whether the same shall have been borrowed or is intended to be borrowed on overdrawn account or otherwise in such manner and upon such terms and whether with or without security as may seem expedient.

3.4

The buying, selling, and/or supplying of, and dealing in, goods of all kinds.

3.5

The construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the church.

3.6

To guarantee, indemnify, or receive payment, or act as Trustee on behalf of another body, association, company or person, as the Board deems appropriate.

3.7

To engage, conduct, enter into joint venture, partnership or contract with another body, association, company or person for such purpose as the Board deems appropriate.

3.8

To act as Trustee in respect of any trust, as the Church in general meeting may deem expedient.

3.9

The accepting of any gift whether subject to a special trust or not, for any one or more of the objects or purposes of the Church.

3.10

The taking of such steps from time to time as the Board or the Church in general meeting may deem expedient for the purposes of procuring contribution to the funds of the Church whether by way of donation, subscriptions or otherwise.

3.11

The printing and publishing of such newspapers, periodicals, books, leaflets or other documents as the Board or the Church in general meeting may think desirable for the promotion of the objects and purposes of the Church.

3.12

The making of gifts, subscriptions or donations to any fund, authority or institution or individual as determined by the Board.

3.13

The establishment and support or aiding in the establishment and support of associations, institutions, funds, trust schemes, and conveniences, calculated to benefit servants or past servants of the Church and their dependents, and the granting of pensions, allowances, or other benefits to servants or past servants of the Church and their dependents and the making of payments towards insurance to any of those purposes.

3.14

The establishment and support or aiding in the establishment or support of any other association formed for any of the basic objects of the Church.

3.15

Purchase or acquisition and undertaking of all or any part of the property, assets, liabilities and engagements of any church or association with which the Church may at any time become amalgamated.

3.16

Subject to the provisions of the current State Trust Act, the investment of any moneys of the Church not immediately required for any of its objects or purposes in such manner as the Board may from time to time determine.

3.17

The doing of all such other lawful things as are incidental or conducive to the attainment of the objects.

4. POWERS

4.1 The Church has the powers of an individual

4.2 The Church may, for example –

4.2.1 Enter into contracts; and

4.2.2 Acquire, hold, deal with an dispose of property; and

4.2.3 Make charges for services and facilities it supplies; and

4.2.4 Do other things necessary and convenient to be done in carrying out its affairs

4.3 The Church may also issue secured and unsecured notes, debentures and debenture stock for the Church

5. DOCTRINAL BASIS:

The Church shall have such Doctrines as are expressed in the United Constitution of the Assemblies of God in Australia Article 5 from time to time.

MINISTRATIONS AND CEREMONIES

The following shall be observed as a church ordinance or as commanded by the Holy Scriptures:-

5.1

Baptism by single immersion in the name of the Father, of the Son and of the Holy Spirit in respect to all those who have repented and believed in the Lord Jesus Christ.

5.2

The Lord's Supper or Holy Communion.

5.3

The Dedication of infants and children.

5.4

Prayer for the sick upon their request with the anointing of oil and laying on of hands by the Eldership.

5.5

The ministry of the Baptism of the Holy Spirit to those seeking the power of God.

5.6

The institution of marriage.

5.7

Funeral services shall be conducted.

6. MEMBERSHIP:

Conditions of Membership:

6.1

The membership of the Church shall consist of ordinary members. The number of ordinary members shall be unlimited. There shall be no membership fees.

Automatic Membership

6.2

A person who, on the date the Church was incorporated, was a member of the unincorporated Church and who agrees in writing to become a member of the Church, must be admitted by the Board

New Membership

6.3

The Board may grant membership of the Church if such applicant shall:-

1. be a Born Again Believer in the Lord Jesus Christ and exhibit positive evidence of a consistent Christian Life.
2. be baptised in water in accordance with **5.1** hereof.
3. accept the doctrinal basis set out in **4** hereof.
4. have attained the age of 18 years. Persons under the age of 18 years may be granted membership, but shall be ineligible to vote at any general meeting of the Church until they attain the age of 18 years.
5. except as herein after provided, attend the church regularly for a period of three months prior to the date of such application.

6. apply in writing to the board.
7. express willingness to attend regularly and to support the Church.

Admission and Rejection of New Members:

6.4

1. At the next meeting of the Board after the receipt of any application for membership, such application shall be considered by the Board, who shall thereupon determine upon the admission or rejection of the applicant.
2. The Board must insure that, as soon as possible after the person applies to become a member of the Church, and before the Board considers the person's application, the person is advised:
 - (a) whether or not the Church has public liability insurance; and
 - (b) if the Church has public liability insurance – the amount of the insurance.
- 3.. Any applicant who receives a majority of votes of the members of the Board present at the meeting at which the application is being considered shall be accepted as a member of the Church.
4. Upon the acceptance or rejection of an application for membership, the secretary shall, as soon as practicable after the board decides to accept or reject an application, give the applicant notice in writing of such acceptance or rejection.

Probational Membership:

6.5

Notwithstanding the provisions of 6.1 and 6.2 hereof, the Board may accept a member subject to such period of probation or other condition as it sees fit. A probational member shall have no right to vote at any meeting of the Church.

Evidence of Membership:

6.6

1. The Board must keep a register of members of the Church (herein after referred to as "the membership roll")
2. Inclusion of the name of a person in the membership Roll shall be prima facie evidence of membership.
3. The Membership Roll must include the following particulars for each member-
 - (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of admission as a member;
 - (d) the date of death or time of resignation of the member;
 - (e) details about the termination or reinstatement of membership;
 - (f) any other particulars the Board or the partners at the general meeting decide.

4. The Membership roll must be open for inspection by members of the church at all reasonable times.
5. A member must contact the secretary to arrange an inspection of the membership roll.
6. However, the Board may, on the application of a member of the Church, withhold information about the member (other than the member's full name) from the Membership Roll available for inspection if the board has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

Prohibition on use of Information on Membership Roll

6.7

1. A member of the Church must not –
 - (a) use information obtained from the Membership roll of the church to contact, or send material to, another member of the church for the purpose of advertising for political, religious, charitable or commercial purpose; or
 - (b) disclose information obtained from the membership roll to someone else, knowing that the information is likely to be used to contact, or send material to, another partner of the Church for the purpose of advertising for political, religious, charitable or commercial purposes.
2. Subrule 1 does not apply if the use or disclosure of the information is approved by the Church.

Office Holders:

6.8

All Office holders shall be members of the Church.

Staff Membership:

- 6.9 1. A full time or part time paid staff appointee or the spouse of such a person may be given full membership of the Church whether or not the condition imposed by 6.3.5 has been complied with.
2. Any person appointed to the Ministry Team shall immediately be granted membership in the Church. In appropriate circumstances such membership shall equally apply to his/her spouse.

Membership Transfer:

6.10

1. Upon receipt of a letter of transfer of a member from one assembly in fellowship with the Assemblies of God in Australia (National Conference), and a written application, the Board may grant membership to such an applicant whether or not the condition imposed in 6.3.5 has been complied with.

2. Members of this church in good standing who wish to terminate their membership and affiliate with another Assembly of God shall be entitled to receive a letter of recommendation to that church.

Discipline and Cancellation of Membership:

6.11

1. A member may resign from the church by giving a written notice of resignation to the secretary

2. The resignation takes effect at –

- (a) the time the notice is received by the secretary; or
- (b) if a later time is stated in the notice – the later time

3. The board may, by resolution, remove the name of a member from the membership roll or endorse such roll to the affect that such membership is probational for such a period as it thinks fit or that such membership is conditional, if it is of the opinion that such member no longer fulfils the conditions of membership in Clause 6 hereof, provided that before resolving, the Board shall give opportunity to such member to be heard before it after reasonable notice has been given to such member of such hearing.

4. The Board may, by resolution, remove the name of a member from the membership roll if such member has moved his/her place of residence away from the community and no longer attends the Church or if in their opinion a member has failed to attend the services of the Church without legitimate excuse (in the terms of **15.5** for a period of six months).

5. If, after considering all representations made by the member, the Board decides to remove the name of a member from the membership roll, the secretary must give the member a written notice of the decision.

6. The board may maintain a roll of inactive members for those persons unable to participate in the activities of the Church but who desire to maintain their association with the Church.

General Meeting to Decide Appeal

6.12

1. The general meeting to decide an appeal must be held within 3 months after the Secretary receives the notice of intention to appeal.

2. At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the member's name should not be removed from the membership roll.

3. Also, the board and the members of the board who rejected the application or removed the member's name, from the membership roll must be given a full and fair opportunity to show why the application should be rejected or the member's name

should be removed from the membership roll.

4. an appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

7. **SENIOR MINISTER:**

Nomination:

7.1

The board shall constitute a Nominating Board for the purpose of recommending a suitable person/s holding Assemblies of God credentials to fill the position of Senior Minister whenever such a vacancy shall occur. The Church by secret ballot may choose a Senior Minister from among the nominees or nominee so recommended at a special general meeting announced to be held no less than fourteen days after the Nominating Board has met to recommend such nominee or nominees.

Should the Nominating Board, after due deliberation, refuse to recommend to the Church any person proposed as Senior Minister, the Church at such special general meeting shall be given satisfactory answer and reason for this decision within three months of the Senior Minister leaving.

Remuneration:

7.2

The board shall negotiate and determine the remuneration and conditions of the Senior Minister's appointment

Resignation:

7.3

The Senior Minister may resign his appointment by giving the Board at least three (3) months written notice. A lesser resignation period shall only be by mutual consent of the Senior Minister and the Board.

Powers and Duties of the Senior Minister:

7.4

1. The Senior minister shall be responsible to conduct himself with godliness and dignity befitting his position and to be an example. He shall give himself to prayer and the Word of God in order to be effective in preaching and administering the sacraments.

2. The Senior Minister shall be a person who qualifies for membership of the Church and is baptised with the Holy Spirit according to Acts 2:4.

3. The Senior minister shall preside at all meetings of the Church and be the chairman of the board and be entitled to chair all business meetings and every committee or department meeting as he shall think fit.

4. No meeting shall be held by any committee, board or department without prior notice having been given to the Senior minister informing him of the time, place and purpose of the meeting. This requirement may be waived by the Senior Minister if he shall see fit.

5. No leader, committee, board or department shall depart from the established polices of the church without prior consultation with the Senior Minister.
6. The Senior Minister may vote on any question arising at any meeting of the Church or of any board, department or committee with the exception of any voting to set the level and manner of remuneration of the Senior Minister.
7. The Senior Minister shall be in charge of all meetings of the Church with full power, subject to this constitution, to decide who shall participate in them and in what manner.
8. The Senior Minister, after consultation with the board, may create special groups within the Church and appoint Departmental leaders in consultation with the Board for whatever purpose or term at his sole discretion.
9. The Senior Minister shall have the power to employ and dismiss staff members and assistant ministers at his sole discretion after consultation with the Board. Remuneration in all cases shall be set by the Board.
10. The Senior Minister shall have such powers and duties as is set out by this Constitution.
11. The expression "Senior Minister" means the person acting in that position for the time being.

8. ASSOCIATES AND ASSISTANTS:

Associate Appointment:

8.1

Upon the recommendation of the Senior Minister (but not otherwise) the Board may appoint an Associate Minister. Such an office shall only be created as the need arises and at the request of the Senior Minister who shall nominate to the Board of the Church a suitable candidate. If the proposed Associate Minister is approved by the Board, the same shall be appointed.

Powers and duties of Associate Ministers:

8.2

1. Upon the recommendation of the Senior Minister (but not otherwise) the Board may empower the Associate Minister to function in any or all of the responsibilities and exercise any or all of the powers of the Senior Minister as defined in **7.4**.
2. The Associate Minister may not assume any of the powers or responsibilities of the Senior Minister unless first requested to do so by the Senior Minister and approved to do so by the Board.
3. The Associate Minister shall fulfil the conditions as set out in **7.4.1** and **7.4.2**.

Appointment of Assistant Ministers:

8.3

Assistant Ministers shall be selected and appointed to the Ministry Team of the Church at the sole discretion of the Senior Minister provided always that such appointments are ratified by the Board.

Powers and Duties of Assistant Ministers:

8.4

1. Assistant Ministers shall function only within the specific portfolio assigned to them by the Senior Minister and shall be responsible directly to him in all matters relating to their ministry.

2. Assistant Ministers shall have no legal or administrative powers except those specifically assigned to them by the Senior Minister. Notwithstanding, they may be elected to the Board of the Church and exercise such powers and duties as are consistent with that office.

3. Assistant Ministers shall fulfill the conditions as set out in **7.4.1** and **7.4.2**.

9. DISCIPLINE OR DISMISSAL OF MINISTERS.

Grounds:

9.1

Any complaint against the Senior Minister on the following grounds:-

1. Moral failure,
2. Doctrinal error,
3. Financial misappropriation, mismanagement, or illegalities,

shall be attested to where possible by at least two witnesses and addressed in writing to the secretary.

Procedure:

9.2

1. Upon receipt of the complaint, the Secretary shall bring the matter before a meeting of the Board in the presence of the Senior Minister and consider whether the grounds have been established. The Senior Minister shall not be Chairman of any meeting in which this complaint is to be discussed.

2. If the Board considers the complaint to be groundless, the secretary shall notify the complainant accordingly.

3. Should the complaint be on grounds other than in **9.1** and the Board consider the grounds upon which the complaint has been made to be established, it shall deal with the matter at its sole discretion. If the Board consider the matter to be of sufficient consequence, it shall be referred to a meeting of members.

Termination:

9.3

The Church may terminate the Senior Minister's appointment at any meeting of the Church providing that:-

1. Fourteen (14) days notice of the meeting is circulated to each member in writing.
2. The notice of motion to terminate the Minister's services is contained in the Notice of meeting.
3. Such notice of motion is recommended by the board.
4. Notwithstanding the provisions of **15.9.3** and the motion to terminate is carried by at least 60 percent of the current members.
5. Such termination shall be effected three (3) months from the date of the meeting, or may be dismissed forthwith and receive three (3) months' salary in lieu of continuing in the Church's employment providing that the termination was not for moral failure or financial misappropriation. In such case the Board in their absolute discretion, may terminate the Minister's employment without further financial reimbursement except holiday pay, long service and superannuation reimbursements.

Appeal:

9.4

If the Senior Minister is aggrieved by the decision of the Board in the matter, he may appeal to the State Executive Presbytery of the Assemblies of God in Australia by notice in writing to the State Secretary thereof (a copy of such notice shall be given to the Church Secretary).

State Discipline:

9.5

Should the Board find that a charge against a Senior Minister be substantiated in the terms of **9.1** they shall refer the matter immediately to the District Superintendent who, together with the State Executive Presbytery of the Assemblies of God shall deal with the matter at their sole discretion.

Should the State Executive Presbytery find the charge against the Minister substantiated, they may:

1. Reprove him, in which case the Board of the Church may invoke the provision set out in **9.2** at its sole discretion.
2. Suspend or remove State credentials or recommend the removal or suspension of National credentials in which case the Board shall terminate his appointment forthwith.

Appeal Costs:

9.6

In the event of an appeal to the State Executive Presbytery of the Assemblies of God in Australia, the expenses of the State Executive Presbytery in determining the appeal shall be met by the Church.

Notice of the determination of the question by the said State Executive

Presbytery shall be transmitted to the Minister and to the Church Secretary who shall refer the matter to the Board.

Discipline of Associates and Assistants:

9.7

A complaint against any action, decision, or teaching of an Associate or Assistant Minister shall be referred in writing to the Senior Minister who shall deal with the matter at his discretion. Should he find that disciplinary action is necessary, the matter shall be referred to the Board of the Church for appropriate action.

Should a complaint against an Associate or Assistant Minister be in terms of **9.1** and be substantiated, the Senior Minister shall refer the matter to the State Executive Presbytery for the review of such Minister's credential.

Should such a complaint addressed to the Senior Minister be ignored, the complainant may refer the matter in writing to the Church Secretary who shall bring it to the attention of the Church Board.

10. ELDERS AND DEACONS.

Appointment:

10.1

The Senior Minister may with the approval of the Board, appoint persons from among the members of the Church who are of evident maturity, spirituality, and ability as Elders or Deacons or Deaconesses to assist the Ministers in the spiritual oversight of the Church or in the carrying out of the objects of the Church as the Senior Minister may see fit.

Term of Office:

10.2

All such appointments shall be for whatever term or upon whatever conditions the Senior Minister, together with the Board, may specify.

Termination:

10.3

The termination of such appointments shall be at the discretion of the Senior Minister.

11. SECRETARY:

11.1

1. The secretary of the Church shall be nominated by the Senior Minister for election by the Church at the Annual General Meeting to serve for a term of twelve (12) months.

2. If a vacancy happens in the office of Secretary, the members of the board must ensure a secretary is appointed or elected for the church within 1 month after the vacancy happens.

3. If the Senior Minister nominates someone who is a member of the church

but not a member of the board and they are elected by the Church as secretary, other than to fill a casual vacancy on the board, the person does not become a member of the Board.

4. However, if the Senior Minister nominates someone who is a partner of the Church but not a member of the Board and they are elected by the Church as secretary to fill a casual vacancy on the Board, the member becomes a member of the Board.

5. If the Senior Minister nominates someone who is not a member of the church and they are elected by the Church as Secretary the person does not become a member of the Board.

In the clause –

Casual vacancy, on the Board, means a vacancy that happens when an elected member of the Board resigns, dies or otherwise stops holding office.

Removal of Secretary

11.2

1. The Board of the Church may at any time remove a person appointed by the Board as the Secretary.
2. If the board removes a secretary who is a Member of the board, the person remains a member of the Board.
3. If the Board removes a secretary who is a member of the church and who has been appointed to a casual vacancy on the board, the person remains a member of the Board.

Powers and Duties:

11.3

1. The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Board meeting and General meeting to be entered in a book to be open for inspection at all reasonable times by any member of the Church who previously applies to the Secretary for that inspection.
2. For the purposes of ensuring accuracy of the recording of such minutes, the minutes of every Board meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding board meeting verifying their accuracy.

Similarly, the minutes of every General meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding General meeting.

However the minutes of any Annual General meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding General meeting or Annual General meeting.

3. To keep on file all records of legal transactions such as Deeds, Mortgages,

and Contracts which have been entered into by the Church.

4. To maintain an up to date Roll of Members of the Church.

5. To write such letters as he is directed to write by the Church, retaining duplicate copies for permanent file and to receive and place on file any correspondence received.

6. To notify in writing the members of the Church of any General Meeting thereof when so instructed.

7. The records, documents, official stamps and seal and correspondence placed in the care of the Secretary of the Church are not his personal property nor under his personal control, but are the property of the Church and are under the control of the Church as directed by the vote of the Church or by the authority of the Board of the Church in accordance with this Constitution.

8. The Secretary of the Church shall have no power to act in office without special authority from the Senior Minister, Church or Board, except in so far as the provisions of this Constitution provides.

12. TREASURER:

Term:

12.1

The Treasurer of the Church shall be nominated by the Senior Minister for appointment by the Church at the Annual General Meeting, to serve for a term of twelve (12) months.

Duties:

12.2

The Treasurer shall have such duties as are set out in this Constitution. The Church, on the recommendation of the Board, may combine the offices of Secretary and Treasurer.

13. THE BOARD:

Election:

13.1

1. The Management Committee of the Church shall be known as and herein referred to as "The Board".

2. A member of the board, other than a secretary appointed under rule 11.1.5 must be a partner of the Church.

3. The Board shall be elected by the Church at the Annual General Meeting upon the nomination of the Senior Minister. Board members so elected shall hold office for one year, but they may be re-elected.

4. Each member of the Church present and eligible to vote at the annual general meeting may nominate for 1 candidate for each vacant position on the board.

5. A person may be a candidate only if the person is an adult

6. A person is not eligible to be elected as a member of the board if –

- (a) the person has been convicted –
 - (i) on indictment; or
 - (ii) summarily and sentenced to imprisonment, other than in default of payment of a fine; and
- (b) the rehabilitation period in relation to the conviction has not expired.

Rehabilitation period has the meaning given in the Criminal Law (Rehabilitation of Offenders) Act 1986.

7. Also, a person is not eligible to be elected as a member of the board if –

- (a) under the Bankruptcy Act 1966 (Cwlth) or the law of an external territory or another country, the person is a undischarged bankrupt; or
- (b) the person has executed a deed of arrangement under the Bankruptcy Act 1966 (Cwlth), part X or a corresponding law of an external territory or another country and the terms of the deed have not been fully complied with; or
- (c) the person's creditors have accepted a composition under the Bankruptcy Act 1966 (Cwlth), part X or a corresponding law of an external territory or another country and a final payment has not been made under the composition.

8. A list of the candidates' names in alphabetical order must be posted in a conspicuous place in the office or usual place of meeting of the church for at least 7 days immediately preceding the annual general meeting.

9. If required by the Board, balloting lists must be prepared containing the names of the candidates in alphabetical order.

10. The board must ensure that, before a candidate is elected as a member of the Board, the candidate is advised –

- (a) whether or not the Church has public liability insurance; and
- (b) if the church has public liability insurance – the amount of the insurance.

11. The Board shall be elected from:-

- * The Senior Minister
- * Associate Minister/s
- * Assistant Minister/s
- * Elders
- * The Secretary of the Church
- * The Treasurer of the Church.
- * Such other Church Members at the discretion of the Senior Minister.

12. The Board shall consist of a minimum of three (3) members and a maximum of nine (9) members.

13. Any member of the Board may resign from the Board at any time by giving notice in writing to the Secretary but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.

14. A member of the board may be removed from office at a general meeting of the Church if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member

15. Before a vote of members is taken about removing the member of the board from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.

16. A member of the Board has no right of appeal against the member's removal from office under this rule.

17. A member of the board immediately vacates the office of member if –

- (a) dies; or
- (b) becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
- (c) is -
 - (i) convicted of an offence under the Associations Incorporation Act 1981; or
 - (ii) convicted of an indictable offence or an offence punishable on summary conviction for which the person is sentenced to imprisonment, other than in default of payment of a fine; or
- (d) has been convicted on indictment or summarily and sentenced to imprisonment, other than in default of payment of a fine, and the rehabilitation period in relation to the conviction has not expired.

Rehabilitation period has the meaning given in the Criminal Law (Rehabilitation of Offenders) Act 1986.

18. The Board shall have the power at any time to appoint any member of the Church to fill any casual vacancy on the Board until the next Annual General Meeting.

19. The continuing members of the Board may act despite a casual vacancy on the Board.

Powers of the Board:

13.2

1. Management of the affairs of the Church shall be vested in the Board which may exercise all such power and functions as may be exercised by the Church other than those powers and functions required by this Constitution to be exercised by the Church in the General Meeting or those required to be exercised by the Senior Minister.

2. the Board has authority to interpret the meaning of these rules and any matter relating to the Church on which the rules are silent, but any interpretation must have regard to the Associations Incorporation Act, including any regulations made under the Act.

Note –

The Act prevails if the Church's rules are inconsistent with the Act – See Section 18 of the Act.

3.. The Board or its nominee shall have the power to draw upon the Treasurer for such amounts as they shall decide to be necessary for the proper conduct of the affairs of the Church.

4. The Board may delegate such powers or function as it sees fit from time to time.

5. Should the Senior Minister be incapacitated by prolonged illness, or insanity or be otherwise prevented from exercising the oversight of the Church, the Board shall be empowered to appoint an Acting Senior Minister who shall be responsible for the oversight of the Church until the return of the Senior Minister (provided that his absence was not due to certified insanity) or until the appointment of the Acting Senior Minister is revoked by the Board.

6. In the event that the Board shall cease to exist or be reduced to a number below that required for a quorum, a Special General Meeting of the Church shall be called for the purpose of electing sufficient members to provide a quorum.

Meetings of the Board:

13.3

1. The Board shall meet at least once every two (2) months to exercise its functions. Seven days notice shall be given for all general Board Meetings.

2. Notice of a meeting is to be given in the way decided by the Board

3. A Special Meeting of the Board shall be convened by the Secretary on requisition in writing of not less than three (3) members of the Board which requisition shall clearly state the reason why such Special Meeting is being convened and the nature of the business to be conducted thereat. Except in the case of **9.2**, the Senior Minister shall be chairman of all meetings.

4. If the Secretary is unable or unwilling to call the special meeting, the Senior Minister must call the meeting.

5. At every meeting of the Board, one more than simple majority shall constitute a quorum.

6. The Board may meet together and regulate its proceedings as it thinks fit PROVIDED THAT questions arising from any meeting of the Board shall be decided by a majority of votes and in the case of equality of votes on any question or at any meeting of the Board the question shall be deemed to be

decided in the negative.

7. Not less than forty-eight (48) hours notice shall be given to members of the Board of any Special Meeting of the Board. Notwithstanding a meeting of the Board may be held at any time providing all members of the Board are in agreement to meet.

8. The duly recorded minutes of a Board Meeting shall be prima facie evidence of a decision or resolution of the Board, which decision or resolution shall be constituted by a majority vote of those present.

9. The board may hold meetings, or permit a Board member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

10. A board member who participates in the meeting as mentioned in subrule (9) is taken to be present at the meeting.

11. A member of the board must not vote on a question about a contract or proposed contract with the church if the member has an interest in the contract or proposed contract and, if the member does vote, the member's vote must not be counted.

12. If there is no Senior Minister or if the Senior Minister is not present within 10 minutes after the time fixed for a board meeting, the members may choose 1 of their number to preside a chairperson at the meeting.

Quorum for, and Adjournment of Board Meeting.

13.4

1. If there is no quorum within 30 minutes after the time fixed for a Board meeting called on the request of members of the board, the meeting lapses.

2. If there is no quorum within 30 minutes after the time fixed for a board meeting called other than on the request of the members of the board –

(a) the meeting is to be adjourned for at least 1 day; and

(b) the members of the board who are present are to decide the day, time and place of the adjourned meeting.

3. If, at an adjourned meeting mentioned in subrule (3), there is not quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

By-Laws:

13.5

The Board may make By-Laws and amend and vary same from time to time for the administration of the Church or any part or Sub-group thereof.

Appointment of subcommittees

13.6

1. The board may appoint a subcommittee consisting of members of the

church considered appropriate by the committee to help with the conduct of the Church's operations.

2. A member of the subcommittee who is not a member of the Board is not entitled to vote at a boarding meeting.
3. A subcommittee may elect a chairperson of its meetings.
4. If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
5. A subcommittee may meet and adjourn as it considers appropriate.
6. A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

Acts not affected by defects or disqualifications

13.7

1. An act performed by the board, a subcommittee or a person acting as a member of the board is taken to have been validly performed.
2. Subrule (1) applies even if the act was performed when –
 - (a) there was a defect in the appointment of a member of the board, subcommittee or person acting as a member of the board; or
 - (b) a board member, subcommittee member or person acting as a member of the board was disqualified from being a member.

14. DISCIPLINE OR DISMISSAL OF OFFICE BEARERS:

14.1

The Senior Minister shall have the power to withdraw his endorsement of, or call for the recall from office of any Board members of the Church at any time whatsoever. The Board shall then consider the Senior Minister's reasons and decide the matter by a majority of its votes.

14.2

Should any member of the Church consider that any person elected or appointed to office in the Church, other than the Senior Minister, be incompetent or in any way unworthy to remain in office they shall report the same to the Senior Minister in writing. If he considers it necessary he may convene a meeting of the Board giving at least seven (7) clear days notice in writing of such meeting and the purpose thereof to the person concerned. The Board at such meeting shall hear the charges and shall permit the person concerned to make answer to the allegations of the petitioners. If the allegations of the petitioners have been substantiated and the answer of the person concerned is unsatisfactory, the Board shall call upon such person to resign their office or on failing to do so, the Board may cancel their

appointment, and/or implement whatever restorative process it sees fit.

14.3

Should the Board find the allegations of the petitioners unsubstantiated it shall counsel, rebuke or discipline the petitioners as the case shall require.

14.4

Board Members/Office Bearers dismissed from office under the provisions of **14.1** or **14.2** shall have no right of appeal.

15. GENERAL MEETING:

Notification of AGM:

15.1

The Annual General Meeting of the Church shall be held each year within three (3) months of the close of the financial year of the Church at a time determined by the Board after at least fourteen (14) days notice to the congregation. Accidental omission to give notice to any member shall not invalidate the meeting.

The Business:

15.2

The business of the Annual General Meeting shall be:-

1. Presentation of reports for the previous twelve (12) months from the Senior Minister, Secretary, Treasurer and from all Sub-groups of the Church.

2. To appoint or re-appoint to office for the ensuing twelve months:

- * The Secretary of the Church
- * The Treasurer of the Church
- * Other Board members with the exception of the Senior Minister.
- * The Auditor.

3. To present the Auditor's report upon the books and accounts of the Church for the preceding year.

4. To attend to all other business set down on the Agenda by the Senior Minister and the Board.

Agenda:

15.3

The Agenda for the General Meeting shall be determined by the Senior Minister and the other members of the Board. Any member of the Church may submit matters to the Board which shall be included on the Agenda, provided such submission:-

- * Be in writing in the form of a draft resolution.
- * Include details of the mover and seconder.
- * Be submitted to the Secretary at least seven clear days prior to such meeting.

Extraordinary General Meeting:

15.4

1. An Extraordinary General Meeting may be held when considered necessary from time to time by the Board after seven (7) days notice to the congregation or such shorter notice as may subsequently be ratified by a resolution at that meeting. Accidental omission to give notice to any member shall not invalidate the meeting.

2. An Extraordinary General Meeting shall be called in any emergency as the Senior Minister and the Board may decide, or upon a notice in writing of an appeal against a decision of the Board or upon requisition in writing signed by not less than one third of the members of the Church and clearly stating the purpose for which the Extraordinary General Meeting is desired.

Voting:

15.5

Members who, in the opinion of the Board, have attended the Church for a majority of Sundays in the three month period prior to any Annual General Meeting or Extraordinary General Meeting of the Church and have not been suspended or placed on probation shall be entitled to one vote exercised in person, by attendance at the meeting. Those members who in the opinion of the Board have been legitimately prevented from attendance at Sunday Services of the Church by sickness, family circumstances, or travel, or by any other reasonable excuse, shall be entitled to vote in any business meeting of the Church.

Quorum:

15.6

A quorum shall be constituted by one third of those entitled to vote and shall not be less than double the number of members currently on the Board plus one.

Chairman:

15.7

The Senior Minister or his nominee shall preside as Chairman of all General Meetings and Extraordinary Meetings of the Church.

The Chairman shall conduct the meetings in a proper and orderly manner in accordance with the principles of Scripture, the provisions of this Constitution and the practices of the Assemblies of God in Australia.

Adjournments:

15.8

1. The Chairman, with the consent of a properly constituted meeting, may adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

2. Where a meeting is adjourned for twenty-one (21) days or more, the notice of the adjourned meeting shall be given as in the case of the original meeting.

3. If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting shall be adjourned until a date, time, and place to be fixed by those Board members present, not exceeding 30 days from the date of adjournment and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 10) shall be a quorum.

Transaction of Business:

15.9

1. The business of the meeting shall be transacted by motion or by resolution of the Chairman.

2. A question may be determined by secret ballot at the discretion of the Chairman or at the request of any member.

3. A question (other than the question of the purchase, sale, mortgage, or other dealing with real property) shall be determined on the show of hands by a 55% majority and a declaration by the Chairman that a resolution or motion has, on such show of hands, been carried or carried unanimously, or carried by a particular majority, or lost and an entry to that effect in the Church Minute Book is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution or motion.

A motion or resolution involving the purchase, sale, mortgage, or other dealing with real property shall require a three-fifths majority to be carried.

4. All elections to office in the Church shall be by secret ballot.

Notices:

15.10

A notice may be served by or on behalf of the Church upon any member, either personally or by sending it through the post by a prepaid letter addressed to the member at his usual or last-known place of abode, but notice may be given to members generally by announcement from the pulpit in a service of worship or in such bulletin or magazine which the Church may publish weekly or from time to time.

Amendment of Constitution:

15.11

1. Subject to the provisions of the Associations Incorporation Act 1981, this Constitution may be amended, rescinded or added to from time to time by a special resolution carried at any General meeting.

2. However, no such amendment, rescission or addition shall be valid unless the same shall have been previously submitted to and approved by the Director-General, Department of Equity and Fair Trading.

3. No amendment shall be made to this Constitution except by motion carried by a 75% majority at an Annual General Meeting or extraordinary General

Meeting held at least seven (7) days after the text of such amendment has been notified to members with notice of such meeting **and PROVIDED ALWAYS THAT no amendment shall be made to this clause 15.11.3, clause 1.5, clause 2 or clause 16.1.**

Interpretation of Constitution:

15.12

The Board shall be the sole authority for the interpretation of this Constitution and regulations made thereunder, and a decision of the Board upon any question of interpretation of upon any matters affecting the Church and not provided for by this Constitution, shall be final and binding on the partners.

16. INCOME AND PROPERTY:

Application:

16.1

The income and property of the Church whencesoever derived shall be applied solely towards the promotion of the objects of the Church **as set down in clause 2 of this constitution**, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the Church or to any of them or to any person claiming through any of them PROVIDED THAT nothing herein shall prevent the payment in good faith or remuneration to any officers or servants of the Church or to any member thereof or other person in return for services actually rendered to the Church or for goods supplied in the ordinary way of business (but not for services rendered as an office bearer) nor prevent the payment of interest on borrowed money, the maximum rate of interest to be not more than the current rate charged by Banks in the State in similar circumstances or the payment of rent for premises or goods let or hired to the Church.

Designated Income:

16:2

All designated gifts and offerings whatsoever, of money or otherwise shall, except with the express permission and consent of the donor of such gifts and offerings, or their personal representative, be applied to the purpose or purposes for which they are designated. If, in the opinion of the Board, it should prove impossible to effect such designated purpose, the Board may refer the matter to the donor or, if the donor is not living, to the donor's personal representative, and if no personal representative has been appointed, then the Board may apply the gift to the purpose or purposes as near as possible to the intention of the donor as the Board may determine.

Accounts:

16.3

True accounts should be kept in the manner determined by the Board of all sums of money received and expended by the Church and of the property, assets and liabilities of the Church and proper reports are to be delivered to the Board as it shall require.

Financial Records:

16.4

The Treasurer of the church shall be responsible to keep all financial records in the manner and at such place as determined by the Board.

Banking:

16.5

The Treasurer shall ensure that all moneys received on behalf of the Church are accounted for and duly banked as soon as practicable with such bank or banks in the name of the Church as the Board from time to time determines.

Signatories:

16.6

The Board shall designate signatories of all banking accounts from time to time and the Treasurer shall notify the bank or banks accordingly.

Expenditure Authority:

16.7

No cheque shall be drawn or a debit in any other manner incurred on the Church's bank account and no expenditure shall be incurred except when authorised by the Board. The Board may, by resolution, authorise designated persons to draw cheques to a limit determined by it from time to time. All payments of one hundred dollars (\$100.00) or over must be made by cheque.

Financial Year:

16.8

The financial year of the Church shall commence on the first day of July and conclude on the thirtieth day of June following.

Auditor:

16.9

The Board shall recommend to the Church a person or firm as Auditor from time to time which such Auditor shall give an opinion as to the correctness of the accounts and shall report thereon to the Annual General Meeting of the Church.

Finance Committee:

16.10

The board by resolution, may appoint a Finance Committee from among its members or the general membership of the church to:-

1. Advise the Board concerning the financial administration of the Church.
2. Recommend the level and manner of remuneration of all staff members.

Other Bodies:

16.11

If the Board so determines from time to time, it may establish or join in the

establishment of, or promote or constitute such other body (whether incorporated or not) or trust or entity, ancillary to or for the benefit of, or to better carry out or promote the objects of the Church, provided always that the documents constituting such body shall provide, inter alia, the following:-

1. That upon dissolution of the body in question, the property or assets thereof be applied to or for the benefit of the Church.
2. That no person who is not appointed by the Board hold office or be appointed as a director or be a member thereof.
3. Any person appointed to hold office pursuant to sub-clause (b) hereof may have such appointment revoked at any time by the Board.
4. A provision in similar terms to 16.1 and 16.2 hereof.

Indemnity:

16.12

Any Senior Minister, Associate Minister, Assistant Minister, Elder, Office-bearer or any other person acting in any authorised capacity on behalf of the Church is hereby indemnified and saved harmless against any claim or other action against such person arising in any way out of the proper performance of their duties on behalf of the Church which claim or Judgement in any action and the costs thereof shall be paid for and on behalf of such person out of the Church assets and funds.

17. EXECUTIVE ASSISTANCE:

17.1

The State Executive of the Assemblies of God in Australia may be invited to hold a meeting of members or to assist or advise in the business or affairs of the Church by the Senior Minister, or the Board, or by a majority of the current membership of the Church by written and signed request notwithstanding the contrary opinion of any of these.

17.2

Such meetings shall be chaired by an appointee of the State Executive.

17.3

The meeting shall be conducted in accordance with the provisions of **15.5, 15.6, 15.7, and 15.8** except that the agenda shall be set by the State Executive.

17.4

All business conducted shall be in accordance with the Constitution of the Church, and the State or National Executive official of the Assemblies of God in Australia may not institute any rule, take any action, or make any decision affecting the Church unless such motions are carried by a majority of the members.

17.5

Notwithstanding the attendance at any meeting of the Church of members of the State or National Executives of the Assemblies of God in Australia, who

are not members of the Church, any business conducted at any such meeting in accordance with this Constitution shall be and remain of full force and effect and be binding on the members of the Church.

18. AUTONOMY:

The Church shall at all time be an autonomous church of the Assemblies of God in Australia unless:

1. It is a pioneer church not having received Registered Status with the Assemblies of God **or**
2. It's membership has fallen below the minimum required for Registered Status.

In either case it shall come under the oversight of the District Committee until such time as it's Registered Status is achieved or restored.

19. LEGAL ACTION:

No Pastor, Officer or Member of the Church may involve or bind the Church in legal action, whether by instigation or defence, without written consent of the Board of Officers who shall bring the matter before the members of the Church at a special General meeting for decision.

20 COMMON SEAL:

1. The Board of the Church shall provide for a common seal and for its safe custody.
2. The common seal shall only be used by the authority of the Board and every instrument to which the seal is affixed shall be signed by a member of the Board and shall be countersigned by the secretary or by a second member of the Board or by some other person appointed by the Board for the purpose.